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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/987,901	11/16/2001	Yasunori Toda	011543	7804
38834	7590	10/25/2005	EXAMINER	
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP 1250 CONNECTICUT AVENUE, NW SUITE 700 WASHINGTON, DC 20036			HARMON, CHRISTOPHER R	
			ART UNIT	PAPER NUMBER
			3721	

DATE MAILED: 10/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/987,901

Applicant(s)

TODA, YASUNORI

Examiner

Christopher R. Harmon

Art Unit

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The limitation "to be accordion-folded along the perforation" is unclear and indefinite as to how the accordion fold is placed along a perforation ie. an accordion fold comprises multiple folds along multiple opposing perforated lines in a continuous sheet.

Furthermore, the term "both edges" (claim 1, last line) is unclear as a table has at least four edges therefore "both" is not specific.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 6, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Branick (US 3,917,250).

Branick discloses a device for folding a continuous medium comprising pivotable swing arm 10; rectangular plates 52, 54, 114; the swing arm telescopes (upper 60 and lower arm 58) over one swing varying the length to at least two different lengths with a

minimum length at the center point and extended at the ends of the range; see figures 1-4.

Branick does not directly disclose a table, the examiner takes OFFICIAL NOTICE that it would have been obvious to one of ordinary skill in the art to provide a table (with edges corresponding to the base of the container) upon which to set container B in the invention to Branick for supporting such container.

5. Claims 1, 3, 6, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fischer (US 4,097,039).

Fischer discloses a device for folding a continuous medium comprising pivotable swing arm 157 (on pivot 218) which telescopes (upper 204 and lower arm 208); rectangular plate 152; the arm telescopes over one swing varying the length of the arm to at least two different lengths to provide equal lengths of the medium 12; see figure 8. Fischer does not directly disclose a table, the examiner takes OFFICIAL NOTICE that it would have been obvious to one of ordinary skill in the art to provide a table (with edges corresponding to the base of the container) upon which to set the container in the invention to Fischer for supporting such container.

6. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Branick (US 3,917,250) in view of Martin et al. (US 5,062,597).

Branick does not disclose a table that moves vertically nor has a detection mechanism for controlling vertical movement. However Martin et al. describe a vertically controlled table 47; creasing mechanism 13; see figure 1. Sensors 40 detect

Art Unit: 3721

proper positioning of the stacked paper and control raising and lowering of the table according to preset values; see column 5, lines 55-68.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the teachings of Martin et al. in the invention of Branick in order to manipulate the folds and the stacks without interference.

Regarding claim 5, Martin et al. disclose a resetting system, which performs lowering and raising of the table upon detection positioning of the folded paper. The programmable control mechanism does not structurally limit the claimed invention. The term "error" is considered in a broad context ie. a fold error is considered present when the folded paper stack reaches over the desired height.

Response to Arguments

Applicant's arguments filed 9/6/05 have been fully considered but they are not persuasive. Branick discloses a rectangular plate 114; see above.

Regarding the arguments concerning the rejection of Branick in view of Martin Martin recognizes stopping the swinging of piling arm in response to a sensed condition, see column 1, lines 25-35. "Error" detection is considered in the broadest reasonable context, see above paragraph. During patent examination, the claims are given the broadest reasonable interpretation consistent with the specification. See *In re Morris*, 127 F.3d 1048, 44 USPQ2d 1023 (Fed. Cir. 1997). See MPEP § 904.1. Furthermore, a "fold error" does nothing to structurally describe how the folded paper is being detected.

Structural limitations describing the positioning of the detector in relation to what is being monitored would receive favorable consideration.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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Art Unit: 3721

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R. Harmon whose telephone number is (571) 272-4461. The examiner can normally be reached on Monday-Friday from 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on (571) 272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


JOHN SIPOS
PRIMARY EXAMINER

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